



Jesse Geller, Chair
Christopher Hussey
Jonathan Book

Town of Brookline

Massachusetts

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2010 Fax (617) 730-2043
Patrick J. Ward, Clerk

TOWN OF BROOKLINE BOARD OF APPEALS CASE NO. 2014-0025

Petitioners Kendra and Peter Wilde applied to the Building Commissioner for permission to construct a 700 square foot addition to the rear of their existing garage at 280 Warren Street. The petition was denied and an appeal was taken to this Board.

On June 5th, 2014, the Board administratively determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed July 17th, 2014, at 7:15p.m. in the Selectmen's Hearing Room as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, their attorney (if any) of record, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published on July 3rd and July 10th, 2014, in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

NOTICE OF HEARING

Pursuant to M.G.L. C. 39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: **PETER WILDE AND KENDRA WILDE**
Owner: **PETER WILDE AND KENDRA WILDE**

Location of Premises: **280 WARREN STREET**
Date of Hearing: **July 17, 2014**
Time of Hearing: **07:15 PM**
Place of Hearing: **Selectmen's hearing room, 6th floor**

A public hearing will be held for a variance and/or special permit from:

- 1. 4.01 Table of Use Regulations, Use #55**
- 2. 5.43 Exceptions to Yard and Setback Regulations, Special Permit required**
- 3. 5.70 Rear Yard Requirements, Variance required**
- 4. 8.02.2; Alteration or Extension, special permit required, and**
- 5. Modification of BOA Case # 2008-0034**

Of the Zoning By-Law to Construct a garage addition requiring BOA relief at **280 Warren Street**.

Said premise located in an **S-40 (Single Family)** residence district.

Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the **ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.***

**Jesse Geller
Jonathan Book
Christopher Hussey**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman, Jonathan Book and Board Members Christopher Hussey and Avi Liss. Attorney Jacob Walters, Business address 27 Harvard Street, Brookline, MA presented the case for the petitioners.

Mr. Walters indicated that the petitioners were automobile collectors, having a number of "classic cars" which were primarily stored in the garage at the 280 Warren Street premises. Mr.

Walters stated that all required relief could be granted by three (3) Special Permits, one under Use #55 of the Table of Use Regulations, one under Section 5.43, and the last under **Section 8.02.2**. Mr. Walters added that the applicants are seeking a 700 square foot addition to the existing garage in order to create three (3) new parking spaces for additional vehicles. Mr. Walters stated that the **Table of Use Regulations, Use #55** does allow for additional garage parking spaces by Special Permit. With reference to the rear yard setback, Mr. Walters went on to say that pursuant to **Section 5.43** of the By-Law, the Board could waive certain dimensional requirements if the petitioners provided counterbalancing amenities. In this case the applicants propose to provide additional landscaping, particularly to the east side of the garage structure, including plantings to soften the impact of the addition and screen the garage from the only abutter who could actually see the structure. Mr. Walters stated that the applicants have shared the plans with their neighbors, and were committed to working with their neighbor who has a view of the garage. Mr. Walters then address the other required Special Permit under **Section 8.02.2**, alternation or extension, needed because the structure being altered is pre-existing non-conforming one. Mr. Walters went on to say that the requested Special Permits conformed to the requirements of **Section 9.05** of the By-Law in that the location of the additions were appropriate, no nuisance would be created and traffic would in no way be affected. Mr. Walters concluded his remarks by saying the Planning Board's unanimous approval of the design and the applicants' willingness to provide a landscaping plan that adequately screens the addition warrants this Board granting the three (3) Special Permits. As an added note Mr. Walters mentioned that the prior decision allowing an expansion of the garage and the addition of a shed required modification.

The Chairman then asked if anyone in attendance wished to speak in support or in opposition to the petitioner's proposal. Mr. Anthony McAuliffe of 65 Goddard Road addressed the Board.

Mr. McAuliffe stated he was neither speaking in favor or opposition of the project but as the abutter who could see the proposed addition he had some questions. Mr. McAuliffe asked if the addition was for a total of seven (7) vehicles or nine (9). Mr. McAuliffe asked if evergreens could be planted on the east side of the garage so as to screen the addition in all seasons. Mr. McAuliffe asked if special considerations would be given to protect the masonry wall during construction and finally wondered if any special regulations were needed since the applicants were installing a “grease pit” in the addition.

In response to questions from the abutter and queries from members of the Board, Attorney Walters and Claudia Nourey-Ello, the applicant’s architect, responded to Mr. McAuliffe’s questions, stating that evergreens could be planted to screen the garage addition, that they would share the landscaping plan with Mr. McAuliffe once it has been prepared, that the masonry wall will indeed be protected during construction as it was when previous expansion of the garage took place, that at present seven (7) vehicles will be housed in the garage and that the “grease pit” being constructed is not intended for repair work.

Lara Curtis Hayes, Planner, delivered the findings of the Planning Department:

Section 4.01 – Table of use Regulations, Use #55

This is an accessory use for private garages to allow more than three spaces. The Board of Appeals may grant a special permit to allow for additional parking spaces.

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.70 – Rear Yard Setback

Dimensional Requirements	Required	Existing	Proposed	Relief
Rear Yard	50 feet	17.9’	17.9’-22.1’	Special Permit*

* Under **Section 5.43**, the Board of Appeals may waive yard and setback requirements if a counterbalancing amenity is provided. The applicant has indicated they will provide landscaping as a counterbalancing amenity.

Section 8.02.2 – Alteration or Extension

A special permit is required to alter a pre-existing non-conforming structure or use.

Modification, as necessary of BOA Case #2008-0034, September 11, 2008

This case allowed the applicant to enlarge the existing detached garage and add a storage shed attached to the garage.

Ms. Hayes said the Planning Board is supportive of this proposal. The Planning Board felt the addition is attractively designed and is not expected to impact the neighborhood. The additional parking area will allow the applicants to store and work on their collected cars. The addition will be shielded from the affected property owner to the east. The Planning Board recommends the Applicants install additional landscaping as a counterbalancing amenity.

Therefore, the Planning Board recommends approval of the plans by Noury-Ello

Architects dated 2/26/14 and site plan by Everett M. Brooks Company, dated 3/25/14

subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit a final landscaping plan shall be submitted to the Assistant Director of Regulatory Planning for review and approval.
3. Prior to the issuance of a building permit the applicant shall submit evidence that the proposal has been reviewed and approved by the Brookline Conservation Commission to the Building Commissioner.
4. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building elevations stamped and signed by a registered architect; and 3)

evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The Chairman then called upon Michael Yanovitch, Chief Building Inspector, to deliver the comments of the Building Department. Mr. Yanovitch stated that the Building Department has no objections to the request for relief. Mr. Yanovich added that the "grease pit" being installed in the addition would not require any regulations since the primary purpose was to wash the undercarriage of the vehicles. Mr. Yanovitch stated that repairs to vehicles of this nature are typically done off site by trained mechanics rather than the applicants. Mr. Yanovitch closed by stating that the Building Department will ensure compliance with the Building Code.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant Special Permits and that the petitioner has satisfied the requirements necessary for relief under **Sections 5.43, 8.02.2, Table of Use Regulations Use #55 and 9.05** of the Zoning By-Law and made the following specific findings pursuant to **Section 9.05** of the Zoning By-Law:

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Accordingly, the Board voted unanimously to grant the requested relief, including modification, as necessary, of BOA Case #2008-0034, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, a final landscaping plan shall be submitted to

the Assistant Director of Regulatory Planning for review and approval.

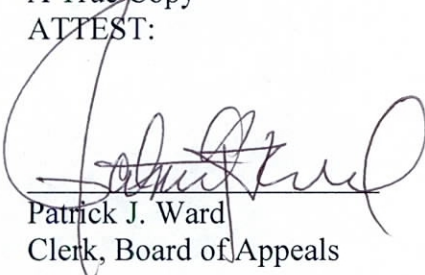
3. Prior to the issuance of a Building Permit the applicants shall submit evidence that the proposal has been reviewed and approved by the Brookline Conservation Commission to the Building Commissioner.
4. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of
The Board of Appeals

Filing Date: 7/24/14


Jonathan Book, Chairman

A True Copy
ATTEST:


Patrick J. Ward
Clerk, Board of Appeals

RECEIVED
TOWN OF BROOKLINE
TOWN CLERK
2014 JUL 24 P 2:28